

EXHIBIT 2

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS, EASTERN DIVISION

GERARDO ARANDA, GRANT
BIRCHMEIER, STEPHEN PARKES, and
REGINA STONE, on behalf of themselves and
a class of others similarly situated,

Plaintiffs,

v.

CARIBBEAN CRUISE LINE, INC.,
ECONOMIC STRATEGY GROUP,
ECONOMIC STRATEGY GROUP, INC.,
ECONOMIC STRATEGY, LLC, THE
BERKLEY GROUP, INC., and VACATION
OWNERSHIP MARKETING TOURS, INC.,

Defendants.

Case No. 1:12-cv-04069

CLASS ACTION

**DECLARATION OF LANA LUCCHESI
RE: NOTICE PROCEDURES**

I, **LANA LUCCHESI**, declare:

1. I am a Senior Project Manager at Kurtzman Carson Consultants LLC ("KCC"). I am over 21 years of age and am not a party to this action. I have personal knowledge of the facts set forth herein and, if called as a witness, could and would testify competently thereto.

2. KCC was retained by the parties to serve as the Claims Administrator to, among other tasks, mail the Legal Notice Postcard and Settlement Claim Form (the "Postcard Notice"); email the Legal Notice (the "Email Notice"); to publish the Summary Notice; receive and process Claim Forms, respond to Class Member inquiries; to establish and maintain a settlement website and perform other duties as specified in the Class Action Settlement Agreement (the "Settlement Agreement")

1 preliminarily approved by this Court on October 5, 2016.

2 3. **CAFA Notification**. In compliance with the Class Action Fairness Act (“CAFA”), 28
3 U.S.C. Section 1715, KCC compiled a CD-ROM containing the following documents: Complaint, First
4 Amended Complaint, Consolidated Complaint, Amended Consolidated Complaint, Preliminary
5 Approval Order, Plaintiffs’ and the Classes’ Motion for Preliminary Approval, Declaration of Jay
6 Edelson in Support of Plaintiffs’ and the Classes’ Motion for Preliminary Approval, Declaration of Scott
7 Rauscher in Support of Plaintiffs’ and the Classes’ Motion for Preliminary Approval, Claim Form,
8 Postcard Claim Form, Email Notice, Long Form Notice, Internet Banner Ads, Publication Notice, Class
9 Action Settlement Agreement, Stipulation of Dismissal with Prejudice as to the Individual Claims of
10 Plaintiff Susan Vigus, which accompanied a cover letter (collectively, the “CAFA Notice Packet”). A
11 copy of the cover letter is attached hereto as Exhibit A.

12 4. On October 6, 2016, KCC caused sixty (60) CAFA Notice Packets to be mailed via
13 Priority Mail from the U.S. Post Office in San Rafael, California to the parties listed on Exhibit B, *i.e.*,
14 the U.S. Attorney General, the Attorneys General of each of the 50 States and the District of Columbia,
15 the Attorneys General of the 5 recognized U.S. Territories, as well as parties of interest to this Action.

16 5. As of the date of this Affidavit, KCC has received no response to the CAFA Notice
17 Packet from any of the recipients identified in paragraph 4 above.

18 6. **Mailed Notice and Emailed Notice**. KCC used the class list from the certification phase
19 and added to it 17 additional data files containing phone numbers and associated call dates and times.
20 KCC then consolidated and de-duped the combined list.

21 7. On or around October 11, 2016, KCC facilitated reverse look up searches to find name
22 and address information for any phone numbers that had missing names and addresses, and then KCC
23 updated the Class Member List.

24 8. On or around October 26, 2016, KCC facilitated email append searches to find email
25 addresses for any of the 1,040,389 names and addresses from the complete class list. Of the names and
26 addresses searched, KCC received 488,191 email addresses. KCC updated the Class Member List with
27 these 488,191 email addresses.

28 9. KCC entered the Class Member List information into its proprietary database and

prepared a data file for the initial mailing. Prior to mailing, KCC caused the addresses in the Class Member List to be updated using the National Change of Address database ("NCOA") maintained by the U.S. Postal Service. A total of 66,793 addresses were found and updated.

10. On November 14, 2016, KCC mailed the Postcard Notice to each of the 858,242 addresses on the Class Member List. A sample of the Postcard Notice is attached hereto as Exhibit C.

11. On November 14, 2016, KCC emailed the Email Notice to each of the 485,856 email addresses on the Class Member List. A sample of the Email Notice is attached hereto as Exhibit D.

12. Of the 485,856 Email Notices that were sent, 430,210 were successfully delivered and 55,643 were undeliverable.

13. As of January 31, 2017, KCC has received a total of 7,213 Postcard Notices returned by the U.S. Postal Service with forwarding addresses. KCC caused the Class Member list to be updated with the new addresses and Postcard Notices to be re-mailed to the updated addresses. As of January 31, 2017, KCC has received a total of 80,480 Postcard Notices returned by the U.S. Postal Service without forwarding address information. KCC conducted address searches using credit and other public source databases to attempt to locate new addresses for these Class Members. As of January 31, 2017, these searches have resulted in 40,365 updated addresses. KCC promptly re-mailed Postcard Notices to the updated addresses.

14. **Publication of Summary Notice.** *Top MSA Newspapers* - KCC caused the Summary Notice to appear as an approximate eighth-page notice once each in leading newspapers in each of the top ten Metropolitan Statistical Areas (MSAs) in the United States.¹ The Summary Notice appeared on the dates and pages indicated below:

Top 10 MSAs ²	Publication	Issue Date	Page #/Section
New York-Newark-Jersey City, NY-NJ-PA Metro Area	<i>New York Daily News</i>	November 7, 2016	p. 26

¹ Smaller tabloid-size papers received a larger ad unit that is comparable in size to a standard eighth-page.

² The top 10 MSAs according to the U.S. Bureau of the Census, Population Division Annual Estimates of the Resident Population: April 1, 2010 to July 1, 2015, released March 2016. Metropolitan areas are those defined as having a large population nucleus, together with adjacent communities having a high degree of social and economic integration with that core. Metropolitan areas comprise one or more counties, except in New England, where cities and towns are the basic geographic units.

1	Los Angeles-Long Beach-Anaheim, CA Metro Area	<i>Los Angeles Times</i>	November 7, 2016	A14/Main
2	Chicago-Naperville-Elgin, IL-IN-WI Metro Area	<i>Chicago Tribune</i>	November 7, 2016	B4/Business
3	Dallas-Fort Worth-Arlington, TX Metro Area	<i>Dallas Morning News</i>	November 7, 2016	A3/Main
4	Houston-The Woodlands-Sugar Land, TX Metro Area	<i>Houston Chronicle</i>	November 7, 2016	B3/Business
5	Miami-Fort Lauderdale-West Palm Beach, FL Metro Area	<i>Miami Herald</i>	November 7, 2016	A11/Main
6	Philadelphia-Camden-Wilmington, PA-NJ-DE-MD Metro Area	<i>Philadelphia Inquirer</i>	November 7, 2016	D13/Classified
7	Washington-Arlington-Alexandria, DC-VA-MD-WV Metro Area	<i>Washington Post</i>	November 7, 2016	D12/Classified
8	Atlanta-Sandy Springs-Roswell, GA Metro Area	<i>Atlanta Journal-Constitution</i>	November 7, 2016	B2/Metro
9	Boston-Cambridge-Newton, MA-NH Metro Area	<i>Boston Globe</i>	November 7, 2016	A8/Legal Notices

13 15. Copies of the notices as they appeared in each newspaper are attached as Exhibit E.

14 *Consumer Publication*

15 16. The Summary Notice appeared as a third-page notice in the national edition of the *People*
16 magazine issue dated December 5, 2016 (on sale November 21, 2016). The Summary Notice appeared
17 within the cover feature "The Gosselins 10 Years Later," a follow-up with the reality TV family and a
18 look ahead for the upcoming season of the TLC show *Kate Plus 8*.

19 17. A copy of the notice as it appeared in the issue is attached as Exhibit F.

20 *Internet Banners*

21 18. To further extend exposure among Settlement Class Members, 150 million internet
22 banner impressions targeting adults 18 years of age or older ("Adult(s) 18+") were purchased to appear
23 on a variety of websites. In addition, one million Adult 18+ impressions were purchased to appear on
24 800Notes.com. From October 27, 2016 through November 27, 2016, a total of 153,606,575 impressions
25 were delivered to Adults 18+, resulting in an additional 3,606,575 impressions at no extra charge;
26 additionally, a total of 1,001,952 impressions were delivered on 800Notes.com, resulting in an
27 additional 1,952 impressions at no extra charge. The internet banner notices included an embedded link
28 to the case website.

1 19. A screenshot of the internet banner notice as it appeared on 800Notes.com is attached as
2 Exhibit G.

3 20. **Interactive Voice Response.** On October 26, 2016, KCC established an Interactive
4 Voice Response (the "IVR") system to provide information about the settlement and to record requests
5 for Notice Packets. As of January 31, 2017, 9,230 calls have been received by the IVR.

6 21. **Website.** On October 26, 2016, KCC also updated the website
7 (www.FreeCruiseCallClassAction.net) already dedicated to this settlement to provide updated
8 information to the Class Members and to answer frequently asked questions. Visitors of the website can
9 download a Notice, Claim Form, Settlement Agreement, Amended Preliminary Approval Order,
10 Amended Consolidated Complaint, Motion for Preliminary Approval, and Plaintiffs' Motion and
11 Memorandum in Support for Approval of Attorneys' Fees, Expenses, and Incentive Awards. Visitors
12 can also submit claims online, upload supporting documentation and check if their phone number
13 appears in Defendants' records. The web address was set forth in the Postcard Notice, Email Notice,
14 Summary Notice and Claim Form. As of January 31, 2017, the website has received 472,104 visits.


15 22. **Requests for Exclusion.** The deadline for Class Members to request to be excluded from
16 the class was a postmarked deadline of January 23, 2017. As of the date of this declaration, KCC has
17 received two requests for exclusion. A list of the Class Members requesting to be excluded and copies of
18 the exclusion requests are attached hereto as Exhibit H.

19 23. **Objections to the Settlement.** The deadline for Class Members to object to the
20 Settlement was January 23, 2017. As of the date of this declaration, KCC has not received any
21 objections to the Settlement.

22 24. **Claim Forms.** With the exception of the Court's recent extension for certain class
23 members, the deadline for Class Members to file a claim is a postmarked deadline of February 1, 2017.
24 As of the date of this declaration, KCC has processed 63,724 claim forms that were not obviously
25 deficient, representing 366,580 calls claimed either by class members whose phone numbers appear in
26 Defendants' List or that have provided documentation. Of those calls, 89,107 calls are documented by
27 Defendants' List, and there are currently 28,548 calls claimed by class members whose phone numbers
28 are not on Defendants' List, but who have provided supporting documentation of those calls. The

1 median number of calls claimed is 3, and 92% of those claims were for 3 calls. KCC is also in receipt of
2 915 claim forms that have not yet been processed. KCC is in the process of evaluating claim forms
3 received and will continue to do so over the next few weeks as they receive timely claim forms. Updated
4 numbers will be provided by the Final Fairness Hearing.

5
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7 Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct to
8 the best of my knowledge. Executed on this 9th day of February 2017 at San Rafael, California.

9
10 
11 Lana Lucchesi